

## **North Carolina DEMLR Response to Comments and Summary of Changes to NPDES Stormwater draft General Permit NCG180000 (2014 Renewal)**

### **Background**

NPDES Stormwater General Permit NCG180000, which regulates stormwater discharges from furniture mills and like industrial activities, expired on August 31, 2014. The North Carolina Division of Energy, Mineral, and Land Resources (DEMLR) posted the draft General Permit and the supporting Fact Sheet on the Stormwater Permitting Program website beginning June 4, 2014. We announced in selected newspapers across the state on or before June 10, 2014 that the draft of the proposed revised General Permit was available on our website for public comment. DEMLR also ran this notice in the June 16, 2014 issue of the North Carolina Register.

The public comment period closed on August 13, 2014 (58 days), consistent with the regulatory minimum duration of 30 days.

DEMLR revises and reissues our NPDES stormwater General Permits on a five-year schedule. Every five years we solicit public comment, especially from the particular regulated industry sector; we review analytical data from the previous five-year term of the permits; we evaluate identified compliance problems and problems in our enforcement of the permits as may be reported by our Regional Office inspectors; and we seek to improve the effectiveness of the permits as stormwater management tools for the permittees.

As required by agreement with EPA, DEMLR sent the proposed General Permit to EPA Region IV staff in Atlanta on May 27, 2014 for the agency's review. On July 29, 2014, EPA Region IV responded that the agency had no comments on it. EPA's additional review and approval would be necessary if the proposed final General Permit incorporated significant changes from the published draft version, or if significant public comments objecting to the permit were received. DEMLR concluded that neither of these criteria was met, and therefore further EPA review before final issuance was not required.

DEMLR routinely prepares this summary document both for those that submit written comments on the draft General Permits, as well as for other interested parties. This document will be posted on our website for public access.

### **Comments and Responses**

DEMLR received no public comments on the proposed draft General Permit NCG180000 during the public comment period mandated by North Carolina rules. We note that we received no comments on NCG18 during the previous public comment period five years earlier.

However, in 2013 DEMLR did receive public comments on five other General Permits covering five other regulated industrial sectors. For the sake of a consistent regulatory approach across multiple industry sectors, several of those comments received on the 2013 General Permits have been incorporated into the revised NCG18.

### **Summary of Significant Changes from the draft General Permit**

There were no public comments received during the public comment period, and no significant changes to the published draft General Permit.

### **Summary of Significant Changes from the Previous General Permit**

1. The following minor changes appear throughout the revised General Permit:
  - a. Minor word changes, format changes, and sequencing of paragraphs;
  - b. Table of Contents reflects minor re-ordering of some sections;
  - c. Reference now to the **Division of Energy, Mineral, and Land Resources** as the permitting authority, rather than the Division of Water Quality.
2. Part I, Section B now provides that **the permittee's Certificate of Coverage is an enforceable part of the General Permit.**
3. Part II, Section A has renamed the several elements required as part of the Stormwater Pollution Prevention Plan (SPPP).
4. Part II, Section A includes minor re-wording to be more specific on the required content of several of the elements of the SPPP.
5. Part II A 2(b) now further clarifies that an **Oil Spill Control and Countermeasure Plan (SPCC) can serve to partially comply with the SPPP requirements.**
6. Part II A 3 amends the requirement to have a responsible person on site **during facility operations that have increased potential** to contaminate stormwater.
7. Part II, Sections B and C **require monitoring during a measurable storm event** (new term) rather than a representative storm event (old term.) This revised sampling requirement should make it easier for permittees to obtain the required samples.
8. Part II, Section C **removes the requirement to sample for pH** in discharges from vehicle maintenance areas. *Basis for change:* During the last permit cycle no permittees reported pH measurements outside the benchmark range of 6<pH<9 for discharges from qualifying vehicle maintenance activities. We concluded that it is not appropriate to include monitoring of this parameter in a permit intended to prevent pollution industry wide. While vehicle maintenance activities could introduce materials that affect pH (alkaline cleaners and acid batteries, for instance), our review suggests that the risk to water quality from pH in these discharges is minimal, and that SPPP and BMP requirements for these areas should suffice.
9. Part II, Section C replaces Oil & Grease sampling with **Non-polar Oil & Grease sampling.** Non-polar Oil & Grease is a subset of the previous test that is more specific for petroleum-based oils. **A lower benchmark has been set, 15 mg/L,** rather than 30 mg/L.
10. Part II, Section C adds **a new lower benchmark for TSS (50 mg/L),** applicable to

especially protected and sensitive waters classified as Outstanding Resource Waters, High Quality Waters, Trout Waters, and Primary Nursery Area waters.

11. The Standard Conditions in old Parts III – VI have been reorganized to be consistent with other NPDES permits Standard Conditions. All newly re-issued General Permits are being written to include the elements of the new Standard Conditions. Most of the provisions are unchanged. However, some significant changes include:
  - a. Part III A 1 clarifies SPPP compliance requirements for existing facilities applying for renewal.
  - b. Federal and state law and rule citations have been added for reference in several of the paragraphs throughout the Standard Conditions.
  - c. Part III B 1 **no longer requires the permittee to submit a renewal application within 180 days of permit expiration.**
  - d. Part III, Sections B, D, and E provide new standard conditions related to the **anticipated roll-out of on-line electronic reports and electronic records.**

## **Conclusion**

DEMLR's overall intent in proposing changes to the General Permit was to provide permit requirements that will encourage permittees to respond with prompt corrective action to the discovery of pollutant discharges indicated by visual observation or analytical results in excess of the benchmark values. DEMLR incorporated public comments on other recent (2013) draft General Permits where we agreed that the comments were helpful and relevant to NCG18.

END